

REMARKS

Claims 1-10 are pending in the application. Claims 1-10 have been amended. Reconsideration of this application is respectfully requested.

The Office Action notes that the Information Disclosure Statement filed on March 1, 2002, is deficient because it fails to provide a concise explanation of the relevance of each listed foreign patent that is not in the English language. Applicants also note that the Information Disclosure Statement inadvertently contained a listing of International Application No. PCT/EP00/00870, of which priority is claimed by the present application, and that listing is expressly redacted and disclaimed. A Supplementary Information Disclosure Statement will be forthcoming. ✓

✓ Applicants appreciate the Examiner briefly discussing this application with attorney Robert R. Hubbard on January 21, 2004. Based on the extensive amendments need to the specification, the Examiner strongly recommended that a replacement specification be provided with the needed amendments. Accordingly, the amendments to the specification are incorporated into the replacement specification attached hereto. The replacement specification is provided with appropriate headings and accompanying description for the drawing changes discussed below.

The Office Action has objected to the specification on the ground that the title is non-descriptive. An amended title is presented that is fully compliant with the Rules of Practice. Accordingly, it is submitted that the amendment obviates the objection to the specification and, therefore, that the objection should be withdrawn. ✓

Claims 1-10 have been amended to recite an information carrying device in the preamble. This is compatible with the amended title. Reference numbers and “characterized in that” language has been deleted from the claims.

The Office Action has objected to the drawing because the limitations of claims 2-10 are not shown in the drawing. A new drawing sheet is attached hereto containing new Figures 2 and 3, subject to the approval of the Examiner. Also, a copy of the original Figure is attached with markings in red to assign the legend "Fig. 1" thereto, subject to the approval of the Examiner.

New Fig. 2 clearly shows the safety seal as the coded information in information carrier 2, as recited in amended claim 2. The safety seal may also be encoded in a pattern of the perforations 6 of the copy protection film 4 as described in the specification at pages 6, 14 and 15, especially in the new paragraph inserted at page 14.

New Fig. 2 also shows the predetermined break points or undetachable adhesive recited in claim amended 3.

The original Figure shows the fraction of surface segments as the surface portions uncovered by the perforations 6. Therefore, amended claim 4 is supported by the original Figure and the objection is erroneous.

New Fig. 2 shows an embodiment in which perforations 6 are filled with one or more materials 16, as recited in amended claims 5 and 9.

The original Figure shows a luminous layer 10 disposed near another external surface 5 of the information carrier 2. Therefore, amended claims 6 and 7 are supported by the original Figure and the objection is erroneous.

The original Figure shows a point-light mask 9 that is arranged between the other external surface 5 of the information carrier 2 and the luminous layer 10. Therefore, amended claim 8 is supported by the original Figure and the objection is erroneous.

New Fig. 3 shows an embodiment in which the information carrier is an injection molded part having a surface structure 22 with segments 24. Thus, amended claim 10 is supported by new Fig. 3.

For the reasons set forth above, it is submitted that the objection to the drawing is erroneous, in part, and obviated, in part, by the amended drawing and claims, and therefore, should be withdrawn.

The Office Action rejects claim 9 under the first paragraph of 35 U.S.C. 112 as failing to comply with the enabling requirement. This rejection is untenable. It is submitted that the description beginning at page 16, line 17, of the replacement specification adequately describes the doping of the materials 16 so as to enable one of ordinary skill in the art to make and use the claimed invention. Accordingly, it is submitted that the rejection of claim 9 under the first paragraph of 35 U.S.C. 112 is erroneous and should be withdrawn.

The Office Action rejects claims 2-4, 6 and 8 under the second paragraph of 35 U.S.C. 112 as indefinite. This rejection is obviated by amendments made to these claims.

With respect to claim 2, the objected to phrase of “for use” has been deleted. Therefore, it is submitted that claim 2 fully complies with the second paragraph of 35 U.S.C. 112.

With respect to claim 3, 4 and 6, these claims have been amended to positively recite the elements of structure. Therefore, it is submitted that claim 2 fully complies with the second paragraph of 35 U.S.C. 112.

With respect to claim 8, claim 8 has been amended to positively recite the point-light mask and its relation to the information carrier and the luminous layer. Therefore, it is submitted that claim 8 fully complies with the second paragraph of 35 U.S.C. 112.

Accordingly, it is submitted that the rejection of claims 2-4, 6 and 8 under the second paragraph of 35 U.S.C. 112 is obviated by the amendment.

The Office Action rejects claims 1 and 2 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 4,532,508 to Ruell, hereafter Ruell, U.S. Patent No. 5,412,195 to Babbitt, hereafter Babbitt or U.S. Patent No. 5,825,005 to Behnke, hereafter Behnke.

This rejection does not apply to claim 1, which has been amended to clearly recite an information carrying device that comprises the combination of an information carrier and a copy protection film. Each of these references discloses an information carrier (Ruell's element 10, Babbitt's element 10 and Behnke's identification card with fingerprint code thereon). However, neither Ruell, Babbitt nor Behnke teaches a copy protection film. Since each of the references lacks the copy protection film, the rejection is inapplicable to independent claim 1 and its dependent claim 2.

For the reason set forth above, it is submitted that the rejection of claims 1 and 2 under 35 U.S.C. 102(b) is inapplicable and should be withdrawn.

The Office Action rejects claim 1 under 35 U.S.C 103(a) as unpatentable over U.S. Patent No. 5,347,111 (or its counterpart European Document No. EP 0552564) to Hoshino, hereafter Hoshino, in view of any of either Ruell, Babbitt or Behnke.

This rejection is untenable. Hoshino teaches the combination of an information carrier and a copy protection film. However, Hoshino's copy protection film does not contain any surface segments of different polarization-rotating or filtering properties that show an information pattern that contains coded information, as recited in amended claim 1. Since neither Ruell, Babbitt nor Behnke teaches a copy protection film, they cannot supply Hoshino's deficiency. Therefore, any combination of Hoshino with Ruell, Babbitt or Behnke does not make claim 1 obvious to one of ordinary skill in the art.

For the reasons set forth above, it is submitted that the rejection of claim 1 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

The Office Action rejects claims 3-6, 8 and 10 under 35 U.S.C 103(a) as unpatentable over the art as applied to claim 1 in either paragraph nos. 13 and 14, and further in view of Official Notice.

This rejection does not apply for the same reasons that the rejections of paragraphs 13 and 14 of the Office Action do not apply to the parent claim 1 of these claims, as discussed above.

The Examiner's Official Notice is challenged. If the elements recited in claims 3-6, 8 and 10 are well known, evidence must be cited in support thereof and made of record.

Claims 3, 4, 6, 8 and 10 have been amended to positively recite elements of structure that cannot be ignored. Accordingly, it is submitted that claims 3, 4, 6 and 10 recite elements of the claimed combination that are not taught by Ruell, Babbitt, Behnke or Hoshino as applied to claim 1 by paragraph nos. 13 and 14.

For the reasons set forth above, it is submitted that the rejection of claims 3, 4, 6, 8 and 10 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

The Office Action rejects claim 5 under 35 U.S.C 103(a) as unpatentable over the art as applied to claim 1 in either paragraph nos. 13 and 14, and further in view of U.S. Patent No. 5,666,417 to Liang et al., hereafter referred to as Liang..

This rejection does not apply to claim 5 for the same reasons that the rejections of paragraphs 13 and 14 of the Office Action do not apply to the parent claim 1 of claim 5, as discussed above.

For the reason set forth above, it is submitted that the rejection of claim 5 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

The Office Action rejects claim 7 under 35 U.S.C 103(a) as unpatentable over the art as applied to claim 6, and further in view of Liang.

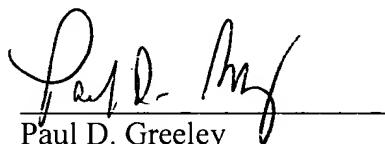
This rejection does not apply to claim 7 for the same reasons that the rejections of paragraphs 13 and 14 of the Office Action do not apply to the parent claims 1 and 6 of claim 7, as discussed above.

For the reasons set forth above, it is submitted that the rejection of claim 7 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

It is respectfully requested for the reasons set forth above that the objection to the specification and drawing be withdrawn, that the rejections under 35 U.S.C. 112, 35 U.S.C. 102(b) and 35 U.S.C. 103(a) be withdrawn, that claims 1-10 be allowed and that this application be passed to issue.

Respectfully Submitted,

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